

**REMARKS**

The following comments are responsive to the Office Action of March 23, 2009 (“Action”). Reconsideration and allowance are respectfully requested based on the above amendments and below remarks.

**Previously Filed Information Disclosure Statements**

Applicants respectfully request that the next Office Action indicate that the references submitted in the Information Disclosure Statement (IDS) filed November 13, 2008 have been considered.

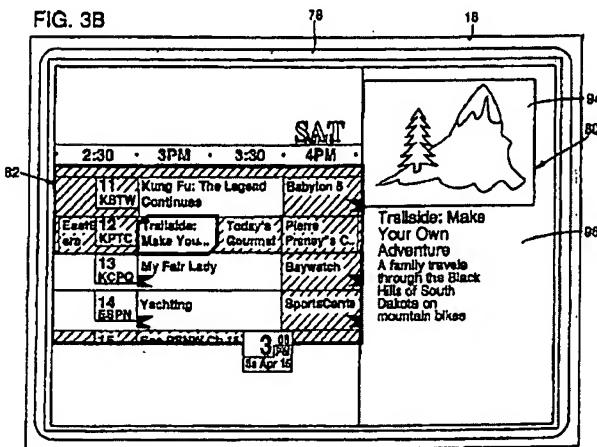
IDS’ have also been filed on December 12, 2006, June 7, 2004, and February 12, 2002. Accompanying the Office Action dated October 4, 2006, the Office lined through many of the references and alleged that copies of the references were not provided. The cited references can be accessed through Private Pair and hence were provided to the Office. Applicants respectfully request that the Office consider the cited references and indicate as such in the next Office Action.

**Rejections Under 35 U.S.C. § 103**

Claims 49-57, 59-64, and 66-71 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yeo, et al., U.S. Patent No. 6,219,837 (“Yeo”). Claims 58 and 65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yeo in view of Lawler, et al., U.S. Patent No. 6,868,551 (“Lawler”). Applicants respectfully traverse for at least the following reasons.

Claim 49 has been amended to incorporate concepts from previous claim 58, now cancelled, and now recites “receiving the synopsis of the program comprising text that summarizes the portion of the program that has been transmitted from a beginning of the program transmission until the identified clock time.” The combination of Yeo and Lawler, even if proper, fails to teach or suggest a synopsis in the manner claimed. On page 8 in the rejection of claim 58, the Action concedes that Yeo “does not clearly teach where the video content comprises text and the summary comprises text embedded in the program.” Claim 49 as amended recites a synopsis of a program comprising text, and hence defines over Yeo.

Lawler does not cure the deficiency of Yeo. Lawler merely describes providing a summary of a program, but does not disclose “text that summarizes the portion of the program that has been transmitted from a beginning of the program transmission until the identified clock time” in the manner claimed. Lawler discloses that, based on a user selection, an “interactive television system accesses summary information relating specifically to the program selected by the viewer [and] includes a text description of the programming and display imagery relating to the programming.” See Lawler, Abstract. Lawler depicts an example embodiment of displaying summary information in Fig. 3B, reproduced below.



Lawler indicates that “text description window 96 displays a program title (preferably of a distinct font), a text description of the program, and one or more information icons relating to selected characteristics of the programming.” *Id.* at C5, L52-55. Lawler merely describes text providing a summary of a program, but does not, however, disclose that the “text description of the program” provides a summary of the portion of the program that has been transmitted from a beginning of the program transmission until an identified clock time. As such, the combination of Yeo and Lawler, even if proper, does not disclose all of the elements of amended claim 49 and hence cannot establish a *prima facie* case of obviousness.

Moreover, the Action has not properly shown that Yeo and Lawler are combinable and impermissibly relies on hindsight to reject claim 49. At the time of the claimed invention, one of ordinary skill in art would not have combined Yeo and Lawler as suggested in the Action. Yeo displays textless video panels to display summary frames of preceding or future events in a

program, whereas Lawler displays an electronic programming guide displaying a text summary of a program. The Action improperly relies on the instant application as reasoning to support why one of ordinary skill in art would have combined Yeo and Lawler. Accordingly, Applicants submit that claim 49, as amended, defines over the combination of Yeo and Lawler and respectfully request withdrawal of the rejection under 35 U.S.C. § 103. As such, Applicants submit that claim 49 is in condition for allowance.

Claims 61, 65, and 66 define over the combination of Yeo and Lawler, even if proper, for at least reasons analogous to those given in support of claim 49.

The pending claims that respectively depend from claims 49, 61, 65, and 66 are allowable at least due to their dependency on an allowable base claim, in addition to the features they recite.

#### **New Claim**

New claim 72 depending from claim 49 has been added and recites “wherein the text is received within a video stream of the program and replaces earlier stored text providing an outdated summary of the program.” Support for the new claim features may be found at least at on page 8 of the instant application. As discussed above, the Action concedes that Yeo does not disclose a summary comprising text, and hence claim 72 defines over Yeo. Also discussed above, Lawler merely describes text providing a summary of an entire program, but does not disclose replacement of an earlier stored text providing an outdated summary of the program. Accordingly, new claim 72 defines over the combination of Yeo and Lawler, even if proper, and is in condition for allowance.

Conclusion

All rejections having been addressed, Applicants respectfully submit that the pending claims are in condition for allowance. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Dated: July 23, 2009

By:Christopher M. Swickhamer  
Christopher M. Swickhamer  
Registration No. 59,853  
BANNER & WITCOFF, LTD.  
10 South Wacker Drive  
Suite 3000  
Chicago, IL 60606  
Telephone: 312-463-5000  
Facsimile: 312-463-5001